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E-filed 5/16/07

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

No. C 05-04625 JW (HRL)

HAMBRECHT WINE GROUP, L.P. d/b/a
BELVEDERE WINERY, L.P.,

Plaintiff,

v.

ORDER RE: SEALING REQUESTS

MILLENNIUM IMPORT LLC,

Defendant.

MILLENNIUM IMPORT LLC,

Counterclaimant,

v.

HAMBRECHT WINE GROUP, L.P. d/b/a
BELVEDERE WINERY, L.P.

Counterdefendant

/

This order addresses several unresolved requests to file under seal documents related to past discovery motions.

Docket 29

Plaintiff requested to file under seal several documents designated confidential by defendant. According to Civil Local Rule 79-5(d), if defendant wants these documents to

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1 remain under seal, defendant must file a declaration establishing their confidentiality.
2 Apparently, no such declaration was filed with respect to Exhibits B, C, F, G, K, X, Y, and AA
3 to the Toohey Declaration in support of Plaintiff's First Motion to Compel Discovery. No later
4 than May 30, 2007, defendant must either (1) file a declaration establishing the confidentiality
5 of these documents pursuant to Federal Rule of Civil Procedure 26(c), or (2) withdraw the
6 confidentiality designation and file the exhibits electronically in the public record.

7 Docket No. 183

8 After plaintiff requested to file under seal several exhibits to the Hanovice Declaration
9 in support and the unredacted version of its Second Motion to Compel, defendant submitted a
10 declaration establishing that Exhibits D, E, H and K qualify for protection under Rule 26(c) (see
11 Docket No. 189). Therefore, the court hereby grants the request to file those exhibits, and the
12 unredacted version of the motion, under seal. Defendant's declaration did not address Exhibit B
13 to the Hanovice Declaration. No later than May 30, 2007, defendant must either (1) file a
14 declaration establishing the confidentiality of this document pursuant to Federal Rule of Civil
15 Procedure 26(c), or (2) withdraw the confidentiality designation and file the exhibit
16 electronically in the public record.

17 Docket No. 247

18 Plaintiff requested to file under seal several exhibits to the Hanovice Declaration and the
19 Lyons Declaration in support of its Reply in support of its Second Motion to Compel (Exs. R,
20 V, W, to Hanovice Decl.; Exs. 1, 2 to Lyons Decl.) Apparently, the exhibits were designated
21 confidential by defendant but it has not filed any declaration in support of this sealing request.
22 No later than May 30, 2007, defendant must either (1) file a declaration establishing the
23 confidentiality of these documents pursuant to Federal Rule of Civil Procedure 26(c), or (2)
24 withdraw the confidentiality designation and file the exhibits electronically in the public record.

25 IT IS SO ORDERED.

26 Dated: 5/16/07

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/s/ Howard R. Lloyd
HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

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United States District Court

For the Northern District of California

1 THIS SHALL CERTIFY THAT NOTICE WILL BE SENT TO:
2
3 Erik Paul Belt ebelt@bromsun.com, idiaz@bromsun.com
4
5 James H. Berry , Jr jberry@berryperkins.com, ddiederich@berryperkins.com
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* Counsel are responsible for providing copies of this order to co-counsel.

18 Date: 5/16/07

/s/ JMM
19 Chambers of Magistrate Judge Howard R. Lloyd